

ORDINANCE NO. 7-17ORDINANCE ADDING SECTION 18-82 TO THE FORT SMITH CODE OF ORDINANCES
TO PROHIBIT SMOKING AND USE OF TOBACCO IN ANY FORM IN CITY-OWNED
AND OPERATED RECREATIONAL FACILITIES AND PARKS.

- Whereas, According to the Center for Disease Control and Prevention ("CDC"), each year approximately 480,000 people die of diseases caused by smoking, accounting for one out of every five deaths in the United States, and that the use of cigarettes, smokeless tobacco, cigars, pipes and other tobacco products leads to disease and death; and
- Whereas, Studies by the Surgeon General of the United States, by the National Academy of Sciences, and by other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers; and
- Whereas, Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and bronchospasm; and
- Whereas, Non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions; and
- Whereas, Smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on fixtures cause losses and other damage to property including unsightly litter; and
- Whereas, The CDC reports that smokeless tobacco use is hazardous to health and can lead to nicotine addiction; that smokeless tobacco contains at least 28 known carcinogens and causes oral, pancreatic and esophageal cancer as well as other serious health problems such as gum disease, tooth decay and mouth lesions; and
- Whereas, The purpose of this ordinance is to protect the public health, safety and welfare by prohibiting smoking and other tobacco use in City owned and operated recreational facilities and parks.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 18-82 shall be added to the Fort Smith Code of Ordinances to read as follows:

- Section 1. For the purposes of this ordinance, smoking and/or tobacco use shall include the lighting of any cigarette, cigar, pipe, or the possession of any lighted cigarette, cigar, or pipe. It shall also include the use of all smokeless tobacco products (including, but not limited to, chewing tobacco, snuff, dip, snus, and dissolvable products such as lozenges, orbs, sticks and strips), e-cigarettes, and vapor products.
- Section 2. It shall be prohibited for any person to smoke or use any tobacco products (smokeless or otherwise), e-cigarettes or vapor products in any City owned or operated recreational facilities and parks.
- Section 3. The City shall post signs in conspicuous place(s) in all City parks and recreational facilities notifying the public that smoking and tobacco use of any kind are prohibited therein; in addition, at the discretion of the Director of Parks & Recreation, other signs and notices shall be placed on doors and in access areas to notify the public that smoking and use of any kind of tobacco is prohibited.
- Section 4. Any person convicted of violating the provisions of this ordinance shall be fined a maximum of \$25.00 for the first offense, \$50.00 for the second offense, \$100.00 for the third offense, and \$250.00 for any subsequent offense.

PASSED AND APPROVED this 21st day of February, 2017.

DATED: 2/21/2017

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK

Approved as to form:


Publish One Time